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The Honorable Mary Alice Theiler

CC TO JUDGE DJ

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MAR 15 2004 DJ

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COUR
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID YOUNGBERG and ADAM
TSOUKALAS,

Defendants.

MAGISTRATE'S DOCKET 04-141 M
NO. 04-141 MSEA

COMPLAINT FOR VIOLATION
Of Title 21, United States Code,
Sections 841(c) and 846

Before Mary Alice Theiler, United States Magistrate Judge, at Seattle, Washington.

The undersigned complainant, being duly sworn, states:

I. COUNT 1

(Conspiracy to Possess and Distribute Ephedrine)

At an exact time unknown, but within the last five years, and continuing until
on or about March 12, 2004, at Blaine, Washington, within the Western District of
Washington, and elsewhere, DAVID YOUNGBERG and ADAM TSOUKALAS did
conspire to possess with intent to distribute ephedrine, a list I chemical, knowing or
having reasonable cause to believe that it would be used to manufacture
methamphetamine, a Schedule II controlled substance.

COMPLAINT/Youngberg et al. - 1

UNITED STATES ATTORNEY
601 Union Street, Suite 5100
Seattle, WA 98101-3903
(206) 533-7970

1 All in violation of Title 21 United States Code Sections 841(c) and 846.

2 And the Complainant further states as follows:

3 1. I, Shaun Smith, am a Special Agent with the Bureau of Immigration and
4 Customs Enforcement. I am currently assigned to the Blaine, Washington office. I
5 have been employed in this capacity for approximately two years. Prior to
6 employment as a Special Agent, I was employed as an Inspector with the United States
7 Customs Service. During my tenure in these positions, I have received training and
8 actual experience in conducting criminal investigations. I have completed an intensive
9 19-week criminal investigator-training program at the Federal Law Enforcement
10 Training Center located in Glynnco, Georgia. As part of that program, I received
11 training in the investigation of narcotics smuggling, child pornography, fraud, import
12 and export laws, and money laundering. I have personally participated in a number of
13 criminal investigations. I have made arrests, conducted surveillance, conducted
14 interviews, and collected evidence related to various state and federal laws.

15 2. On March 12, 2004, at approximately 5:22 p.m., ADAM
16 TSOUKALAS ("TSOUKALAS") and DAVID YOUNGBERG
17 ("YOUNGBERG") attempted to enter the United States at the Pacific Highway
18 Port of Entry, Blaine, Washington. TSOUKALAS was driving a white Pontiac
19 Sunbird bearing a British Columbia license plate (the "vehicle").
20 YOUNGBERG is the registered owner of the vehicle.

21 3. Customs and Border Protection Officer Jose Navarro conducted a
22 primary inspection of the vehicle. TSOUKALAS and YOUNGBERG stated that
23 the purpose of their trip was to travel to Bellis Fair Mall to shop for about an
24 hour. Officer Navarro then conducted an inspection of the trunk of the vehicle.
On inspection, he saw a blue barrel concealed under a black plastic bag. Officer

1 Navarro attempted to pull the barrel closer to examine the contents and noticed it
2 was heavy. Officer Navarro then asked TSOUKALAS what was in the barrels,
3 to which TSOUKALAS replied "just some stuff". Officer Navarro then referred
4 the vehicle to secondary inspection for a further examination of the barrels.

5 4. Customs and Border Protection Officer Jason Martin conducted
6 the secondary inspection of TSOUKALAS and YOUNGBERG. Officer Martin
7 noticed that both subjects appeared nervous during secondary questioning.
8 Officer Martin and Senior Customs and Border Protection Officer Brad Logsdon
9 conducted a secondary inspection of the vehicle. During the inspection of the
10 vehicle two blue barrels were removed from the trunk. The barrels contained a
11 white crystalline powder. The powder was field tested in my presence and was
12 positive for Ephedrine, a precursor for Methamphetamine. The total weight of
13 the two barrels was approximately 124 pounds.

14 5. At approximately 6:40 p.m., Special Agent Brian Faria informed
15 YOUNGBERG of his Miranda rights. I was present for the waiver and for the
16 subsequent interview. YOUNGBERG signed a written waiver and agreed to
17 answer questions. YOUNGBERG stated he was traveling to Bellis Fair Mall
18 with TSOUKALAS to meet a friend named "Kyle." YOUNGBERG said he had
19 let "Kyle" borrow his car earlier that day. YOUNGBERG claimed he did not
20 know about the barrels in the trunk. However, he admitted "Kyle" was paying
21 him and TSOUKALAS a couple hundred dollars each to drive the car over the
22 border and meet with "Kyle" on this trip.

23 6. At approximately 6:50 p.m., Special Agent Faria separately
24 informed TSOUKALAS of his Miranda rights. TSOUKALAS signed a written
waiver and agreed to answer questions. Again, I was present for both the waiver

UNITED STATES ATTORNEY
601 Union Street, Suite 5100
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1 and the interview. TSOUKALAS stated that a few days ago the same "Kyle"
2 had asked TSOUKALAS to rent a van in the United States and pick up
3 marijuana that had been moved across the border. TSOUKALAS stated
4 "Kyle's" last name is "Gannus" (phonetic). TSOUKALAS stated that he then
5 asked YOUNGBERG if he was interested in doing this with him. According to
6 TSOUKALAS, YOUNGBERG said that he was interested.

7. TSOUKALAS stated that on March 12, 2004, around 1:00 p.m., he
8 received a phone call from "Kyle". TSOUKALAS said that "Kyle" wanted
9 TSOUKALAS to move a "brick" of ephedrine across the border instead of
10 picking up marijuana. TSOUKALAS said that around 3:00 p.m., he and
11 YOUNGBERG then took YOUNGBERG's vehicle over to "Kyle'" father's
12 house, where "Kyle" and another vehicle were already waiting for them.
13 TSOUKALAS stated "Kyle" then opened the other vehicle's trunk and
14 proceeded to remove the two blue barrels and place them in the back of
15 YOUNGBERG's vehicle.

8. TSOUKALAS said that he and YOUNGBERG then started to
16 drive towards the border, with a final destination of Bellis Fair Mall.
17 TSOUKALAS said that when he and YOUNGBERG arrived at the Bellis Fair
18 Mall, the plan was for TSOUKALAS to call "Kyle", who was then going to
19 meet them and remove the blue barrels.

9. TSOUKALAS said that "Kyle" often gets examined at the border,
21 and that is why "Kyle" wanted TSOUKALAS and YOUNGBERG to transport
22 the barrels across the border for him. TSOUKALAS said that "Kyle" planned to
23 take the barrels to California once he had picked them up from the Bellis Fair
24 Mall.

10. TSOUKALAS said that he and YOUNGBERG were going to receive a "couple of hundred dollars" each for transporting the barrels across the border.



Shaun Smith, Special Agent
Bureau of Immigration and Customs Enforcement
Department of Homeland Security

Subscribed and sworn before me this 13th day of March, 2004, by Brian A.
Faria.


Mary Alice Theiler
U.S. Magistrate Judge